

Wolcott



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Electro-Radiation Inc.

File: B-270110.2

Date: November 30, 1995

DECISION

Electro-Radiation Inc. (ERI) protests the Department of the Army's decision to reopen discussions with only the competitive range offerors under solicitation No. DAAB07-95-R-H602. ERI received notice that it was eliminated from the competitive range on July 26, 1995; its protest was not filed with our Office until November 20.

We dismiss the protest as untimely because it was filed more than 14 calendar days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 14 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. Section 21.2(a)(2), 60 Fed. Reg. 40,373, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(2)). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 14-day time period running; written notification is not required. Swafford Indus., B-238055, Mr. 12, 1990, 90-1 CPD ¶ 268.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.-Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

The protest is dismissed.

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